

electrically connected in series does not change the fact that two distinct coils are used. Clearly, a reference that discloses two coils for energizing two gaps, as is well known in the art, does not render obvious the use of a single thin film coil for energizing two gaps, as recited by independent Claims 11 and 48.

Second, the Patent Office has failed to compare the recited limitations of Claims 11-17 and 48-50, all of which recite a thin film magnetic recording head, with the asserted thin film equivalent of the Jeffers head. Instead, the Office Action contends that the recited limitations of the claims are disclosed by the non-thin film head shown in Figure 2 of Jeffers, except that Jeffers does not disclose a thin film head. This contention is then coupled with the allegation that "it would have been obvious to provide the magnetic recording head of Jeffers as being a thin film head." See page 6 of Paper No. 7. Thus, the final rejection is premised on the *assumption* that a thin film version of the Jeffers head would have the same structural characteristics as the non-thin film version disclosed in Figure 2 of that reference. As explained below with reference to the Declaration of Ronald S. Indeck, Ph.D., this is simply incorrect. Furthermore, the rejection is not based on even one reference that discloses a thin film magnetic recording head, despite the repeated assertions in the Office Action that such heads "are notoriously old and well known in the art." In fact, Applicant finds absolutely no suggestion in Jeffers that its head should be or could be made using thin film techniques. Nor has the Examiner provided even a sketch of what the asserted thin film equivalent of Jeffers would look like. Instead, Applicant is invited to rely on the *unsupported contention* that a thin film head having a single thin film coil for magnetically energizing two distinct gaps is "well known, established, and appreciated in the art." Applicant respectfully declines this invitation.

In the absence of a reference or combination of references that disclose or suggest a thin film magnetic recording head having at least one thin film coil that can magnetically energize multiple gaps, a prima facie case of obviousness cannot be established with respect to claims 11-17 and 48-50.

II. THE OBVIOUSNESS REJECTION WAS REBUTTED BY THE INVENTOR'S DECLARATION

Even if the Patent Office had established a prima facie case of obviousness based upon the Jeffers reference, the prima facie case was clearly rebutted by the Declaration of Ronald S. Indeck, Ph.D. that was submitted with Applicant's Supplement to Amendment A dated July 8, 1998. As declared under penalty of perjury by Professor Indeck on pages 3-4 of the Declaration, the asserted thin film equivalent of the Jeffers head would require two thin film coils for magnetically energizing two gaps. Thus, unlike the present invention, the asserted thin film equivalent of the Jeffers head would not, as contended by the Patent Office, utilize a single thin film magnetic coil for magnetically energizing two gaps. In view of this objective evidence, the burden was again placed on the Patent Office to either cite one or more additional references that refute Professor Indeck's Declaration, or withdraw the obviousness rejection. To date, the Patent Office has not carried its burden.

For all of these reasons, the rejection of Claims 11-17 and 48-50 as being obvious over Jeffers is clearly not sustainable.

III. NEW CLAIMS 52-61 ARE ALSO ALLOWABLE OVER THE PRIOR ART

Included in this Request are new Claims 52-61, all of which recite a thin film magnetic recording head having at least two gaps and a single magnetic coil that magnetically energizes both of said gaps, where the magnetic coil substantially lies in a single plane or comprises a plurality of windings that lie in a single plane. Although the Examiner indicated during the recent telephone conversations with the undersigned that Applicant's earlier proposed claims were "too broad," the standard for whether claims are "too broad" is whether they are anticipated or rendered obvious by the prior art. In the present case, the prior art fails to disclose or suggest a thin film magnetic recording head having a thin film coil, or a coil that substantially lies in a single plane, or a coil having a plurality of windings that lie in a single plane, where the coil can magnetically energize two distinct gaps. Accordingly, Applicant's new claims should be allowed for the same reasons as Claims 11-17 and 48-50 discussed above. Additionally, all of the pending claims now include the additional limitation that the two recited gaps are substantially

aligned so as to successively traverse the same portion of a recording medium as the head is moved thereacross, thus further defining the present invention over the prior art.

IV. CONCLUSION

For all of these reasons, the final rejection is not sustainable and should be withdrawn. All of the pending claims are patentable, and the subject application is now in condition for allowance. Favorable action is earnestly solicited.

Respectfully submitted,



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